

SOLICITATION PROVISIONS

1. The Contractor shall without additional expense to the County be responsible for complying with any and all applicable laws, codes, and regulations in connection with the services called for in the proposal.
2. By submission of an offer under this solicitation, the offeror agrees that Montgomery County has 120 days acceptance time in which to issue an award. Montgomery County reserves the right to reject as nonresponsive any offer that specifies less than 120 days of acceptance time. Upon mutual agreement, the acceptance time may be extended.
3. Verbal explanations or instructions given by a Montgomery County employee to an offeror in regard to this solicitation will not be binding on the County. Any information given to an offeror in response to a request will be furnished to all offerors as an amendment to this solicitation, if such information is deemed necessary for the preparation of proposals, or if the lack of such information would be detrimental to the uninformed offerors. Only such amendments, when issued by the Contracting Officer, Office of Procurement, will be considered as being binding on the County.

4. **PROPRIETARY AND CONFIDENTIAL INFORMATION**

This is to notify prospective offerors that the County has unlimited data rights regarding proposals or bids submitted in response to its solicitations. Unlimited data rights means that Montgomery County has the right to use, disclose, reproduce, prepare derivative works, distribute copies to the public, or perform publicly and display publicly any information submitted by offerors in response to this or any solicitation issued by the County. However, information that is deemed to be confidential commercial or financial information as defined by the Maryland Information Act, State Government Article 10-617 will be exempted from disclosure if the submitter can show that release of such information would cause substantial competitive harm to the submitter's competitive position.

It is the responsibility of the offeror to clearly identify each part of his/her offer that is confidential commercial or financial information by stamping the bottom right hand corner of each pertinent page with one inch bold face letters stating the words "confidential" or "proprietary". The offeror agrees that any portion of the proposal that is not stamped as proprietary or confidential will be deemed not to be proprietary or confidential.

5. All costs incurred in the preparation and submission of proposals will be borne by the offeror and shall not be incurred in anticipation of receiving reimbursement from the County.

6. **SOLICITATION AMENDMENTS**

In the event that an amendment to this solicitation is issued, all solicitation terms and conditions will remain in effect unless they are specifically changed by the amendment. Offerors must acknowledge receipt of such solicitation amendments, to the place designated, and prior to the hour and date specified in the solicitation (as amended) for receipt of offers. **UNLESS A WAIVER IS GRANTED, OFFERORS THAT DO NOT TIMELY ACKNOWLEDGE RECEIPT OF SOLICITATION AMENDMENTS BY ONE OF THE FOLLOWING METHODS WILL BE REJECTED:**

- (1) By returning one signed copy of the amendment.
- (2) By acknowledging receipt of the amendment on at least one signed copy of the offer that is submitted.
- (3) By stating that the amendment is acknowledged in signed letter that refers to the solicitation and amendment numbers.

A waiver may be granted by the Contracting Officer, Office of Procurement, if deemed to be in the County's best interest. No waiver may be granted, however, until the offeror states in writing that the offeror will be bound by any substantive changes made by the amendment to the terms of the solicitation.

If an offeror desires to change an offer that has already been submitted, the change may be made by submitting a signed letter that refers to the solicitation and amendment numbers, and which is received at the place designated prior to the hour and date specified in the solicitation (as amended) for receipt of offers. ALL SIGNATURES ON OFFERS, AMENDMENTS, AND RELATED CORRESPONDENCE MUST BE BY PERSONS WHO ARE AUTHORIZED TO CONTRACTUALLY BIND THE OFFERORS.

7. **Public Posting Information Line**

For information regarding the Public Posting of proposed awardees under solicitations issued by the Office of Procurement, please call (301) 217-7401 for a recorded message or send a self-addressed stamped envelope with bid number if known or description of the requirement being solicited to: Montgomery County Government Office of Procurement, 255 Rockville Pike (formerly 250 Hungerford Drive), Suite 180, Rockville, Maryland 20850.

8. **Joint Procurement (Optional Use of the Contract)**

The following entities within Montgomery County must be able to purchase directly from contracts resulting from this Request for Proposal (RFP):

Montgomery County Public Schools (MCPS), Montgomery County Housing Opportunities Commission (HOC), Montgomery Community College (MCC), Municipalities of Montgomery County, Maryland-National Capital Park and Planning Commission (M-NCPPC), Washington Suburban Sanitary Commission (WSSC), Montgomery County Revenue Authority

While this RFP is prepared on behalf of the Montgomery County Government, it is intended to apply for the benefit of the above named agencies as though they were expressly named throughout the document. Each of these agencies may purchase from the successful contractor under the same terms and conditions of the contract with the MCG, in accordance with each agency's respective laws and regulations, or an agency may choose not to procure from the successful contractor at the agency's sole discretion. If one of the above named agencies elects to purchase under the contract, the price shall be determined by using unit costs and/or other pertinent costs provided in the contract. Any special discounts unique to a particular agency (e.g. MCPS) should be stated).

The Montgomery County Procurement Regulations are applicable to this solicitation and also to any contracts awarded pursuant to this solicitation. Of particular importance is the fact that the notice of a decision to make an award will be accomplished by a posting of the proposed contract awardee on a public list in the Office of Procurement, 255 Rockville Pike (formerly 250 Hungerford Drive), Suite 180, Rockville, Maryland 20850. The time period for appeal contained in Section 11B-36 commences the day following the date of the posting.

It is the responsibility of the offerors to keep informed of the current status of any proposed awardees for contracts in which they are interested. (See Section 3.2.2. of the Procurement Regulations.)